

City of Pilot Point, Texas

Minutes of the November 9, 2020

City Council Meeting

The City Council of the City of Pilot Point, Texas met on this date at 6:30pm for a Regular City Council Meeting. City Council members present were Mayor Shea Dane-Patterson, Mayor Pro Tem Jim Porter, Councilmembers Brian Ingram, Pearlie Simpson, Dean Cordell, Andy Singleton, and Matt McIlravy. City Staff members present were City Manager Britt Lusk, Police Chief Tim Conner, Fire Chief Heath Hudson, Public Works Director Trent Vandagriff, Development Services Director John Taylor, Finance Manager Lana Ensminger, Capital Projects Manager Matt Kaminski, and Acting City Secretary Lenette Cox. Andy Messer and Marie Johnson of Messer, Fort, & McDonald Law Firm were also in attendance.

AGENDA

A. VIDEO CONFERENCE

1. **Please join my meeting from your computer, tablet or smartphone.**
<https://global.gotomeeting.com/join/260767549>
You can also dial in using your phone.
United States: +1 (646) 749-3112
Access Code: 260-767-549

B. ROLL CALL/CALL TO ORDER

Mayor Dane-Patterson called the meeting to order at 6:30 pm and conducted roll call.

Place 1 Andy Singleton – Present via video conference

Place 2 Brian Ingram – Present

Place 3 Jim Porter – Present

Place 4 Pearlie Simpson – Present

Place 5 Dean Cordell – Present

Place 6 Matt McIlravy – Present

Mayor Shea Dane-Patterson – Present

C. PLEDGE TO FLAGS

1. United States of America
2. Texas Flag

*Honor the Texas Flag, I pledge allegiance to thee,
Texas, one state under God, one and indivisible*

D. INVOCATION

Steve Irick, Former Pilot Point Fire Department Chief and current member of Calvary Baptist Church led the invocation.

E. ITEMS OF COMMUNITY INTEREST

Mayor Dane-Patterson announced the votes for the City Council election held last week are still unofficial and will be canvassed at a Special City Council meeting on Monday, November 16, 2020. There will be a Run-Off Election for Place 1 held on December 8, 2020 and Early Voting will begin on November 23rd at the Pilot Point Community Center. Mayor Dane-Patterson also announced the SD30 Run Off Election will take place on December 19, 2020 and Early Voting will be held from December 9-December 15, 2020 at the Pilot Point Community Center.

Mayor Pro-Tem Jim Porter reported there have been 150 cases in Pilot Point since the onset of COVID-19 and there are 19 active cases in the community. He reminded everyone that they cannot let their guard down and must continue to social distance and wash their hands.

1. **Introduction by Chief Tim Conner of new Police Department Detective and Patrol Corporals.**

Pilot Point Police Chief Conner announced the following promotions in the Police Department: Justin Hull to Patrol Corporal, Dylan Harris to Patrol Corporal and Preston Cole

Green to Detective Corporal. Chief Conner then presented the officers their new badges and patches.

F. PUBLIC FORUM, PRESENTATIONS AND RECOGNITION:

Public Forum:*(Citizens are allowed 3 minutes to speak. If the issue is on the agenda, the City Council may choose to discuss and consider the item. If the issue is not on the agenda, the Council is not permitted by state law to respond to or discuss the item other than to make statements of specific factual information in response to a citizen's inquiry or to recite existing policy in response to the inquiry. The Council may request the issue to be placed on a future agenda for action in accordance with state law. This forum is not the appropriate place to address complaints against Public Officials and/or Staff. Complaints of this nature should be made in writing and filed with the City Manager.)*

G. CONSENT AGENDA

- 1. Discuss, consider, and possible action approving minutes from the October 26, 2020 City Council Meeting.**
- 2. Authorize payment to Tim Beaty Builders, Inc. for \$115,043.10. This is for the Fire Station project, invoice is attached.**
- 3. Discuss, consider, and possible action on approving a contract change order for the new Pilot Point Police Department building.**
- 4. Approve City Manager to process purchase orders for the FY21 Budget approved Fire Department ambulance. This will be (3) different purchase orders:**

Mac Haik Dodge Chrysler	\$ 204,550.00
Ferno	\$ 44,158.44
Stryker	\$ 21,070.15
- 5. Discuss, consider, and possible action on approving a Interlocal Cooperation Agreement with Denton County for Ambulance Services between the Pilot Point Fire Department and Denton County.**
- 6. Discuss, consider, and possible action on approving a Interlocal Cooperation Agreement with Denton County for Fire Protection Services between the Pilot Point Fire Department and Denton County.**

Mayor Pro Tem Porter made a motion to approve the Consent Agenda. Councilmember Ingram seconded the motion. The motion passed.

Ayes: Mayor Dane-Patterson, Mayor Pro Tem Porter, Councilmembers Singleton, Cordell, McIlravy, Simpson, and Ingram.

H. REGULAR AGENDA

- 1. Discuss consider and possible action on a request from Nathan Brown, SNAG Investments, for reimbursement of demolition costs to the house at 627 E. Burks Street through the NOW program.**

Development Services Director, John Taylor presented a request from Nathan Brown of SNAG Investments for reimbursement of demolition costs through the NOW Program for a house which had been located at 627 E. Burks that he had demolished on May 10, 2018. He has since built a new house on the property and the address is now 603 E. Burks. This is the first time that anyone has applied for the reimbursement since the program was approved at the November 20, 2017 Council meeting.

Mayor Dane-Patterson questioned if there had been an application submitted at the time of the demolition? Mr. Brown stated that he has the email showing where he had asked the previous Development Services Director about submitting the application, but was told to wait until a new house had been built because there was information he would need regarding the new house value and taxes. He stated he has already paid one year of taxes and should not be penalized for following the direction he was given.

Attorney Marie Johnson stated that more guidance could be needed from Council concerning the reimbursement options of paying one lump sum, or not making a payment, or making payments over several months. She also stated there is a separate process for substandard properties being demolished which would require a different application.

Councilmembers Porter asked if the house had been labeled as substandard? Mr. Brown stated that no, it had been livable.

Councilmember Cordell asked if the ordinance stated the house had to be labeled substandard to participate in the NOW Program? Development Services Director Taylor stated that no, it is not a specific requirement per the ordinance but after looking at documentation from the November 20, 2018 Council meeting, it had been implied. City Manager Lusk stated that no application or guidelines on the NOW Program could be found but the present councilmembers need to set a precedent on how the Program will be run in the future.

Mayor Dane Patterson said there needs to be an application process prior to demolition even if the final costs may be unknown. She stated there are successful NOW Programs in other cities and would like more research done on documentation.

Nathan Brown stated the City's process was followed and he would like action taken today on the process he'd taken so far.

Councilmember Simpson stated she wasn't sure the reimbursement should be given because the building was livable and not substandard.

Nathan Brown stated the NOW Program was designed to make properties nicer.

Councilmember McIlravy stated that the past Council had approved the Program but did nothing to move it forward and Mr. Brown has followed the process he was given.

Development Services Director Taylor stated the past meeting minutes do not give much detail but the Staff Comment Sheet for that meeting mentions houses being substandard. The Comment Sheet does not say it has to be but implies its intent.

Mayor Dane-Patterson asked Director Taylor to check Dropbox for a possible recording of the November 20, 2017 meeting.

Councilmember McIlravy made a motion to table any action until more information could be found. Councilmember Cordell seconded the motion. The motion passed.

Ayes: Mayor Dane-Patterson, Mayor Pro Tem Porter, Councilmembers Singleton, Cordell, McIlravy, Simpson, and Ingram.

2. Discuss, consider and possible action on appointing the Planning and Zoning Commission to the act as the Capital Improvements Advisory Committee with the addition of an individual to represent the ETJ.

Development Services Director Taylor reported as part of the implementation of the Impact Fee Program, the Council needs to appoint a Capital Improvements Advisory Committee (CIAC). Legislation allows a city to appoint the Planning and Zoning Commission but must have one member from the ETJ, which the current Planning and Zoning Commission does not. At the recommendation of the Mayor, it is suggested to appoint Travis Irick as an ad hoc voting member of the Planning and Zoning Commission. Mr. Irick has agreed to serve on the Commission if he is asked. Mayor Dane-Patterson stated she recommended Mr. Irick for the position because he is a realtor and is a member of a multi-generational Pilot Point family and is dedicated to Pilot Point.

Councilmember Cordell made a motion to appoint Travis Irick as an ad hoc voting member of the Planning and Zoning Commission and for the Planning and Zoning Commission to act as the CIAC. Councilmember McIlravy seconded the motion. The motion passed.

Ayes: Mayor Dane-Patterson, Mayor Pro Tem Porter, Councilmembers Singleton, Cordell, McIlravy, Simpson, and Ingram.

I. EXECUTIVE SESSION

The City Council of the City of Pilot Point will recess into Executive Session (Closed Meeting) pursuant to the provisions of Chapter 551, Subchapter D, Texas Government Code, to discuss the following:

1. In accordance with Texas Government Code, Section 551.001, et seq., the City Council will recess into Executive Session (closed meeting) to discuss the following:
 1. § 551.071(1): Litigation. Consultation with the City Attorney regarding pending or contemplated litigation; or a settlement offer regarding: the Yarbrough Farms Development.
 2. § 551.071(2): Legal Matters. Consultation with Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Opens Meetings Act regarding: the Yarbrough Farms Development.

The Council recessed into Executive Session at 7:04pm.

J. RECONVENE INTO REGULAR SESSION

The City Council of the City of Pilot Point will reconvene into Regular Session (Open Meeting) pursuant to the provisions of Chapter 551, Subchapter D, Texas Government Code, to take any action necessary regarding the following items discussed in Executive Session.:

1.
 1. § 551.071(1): Litigation. Consultation with the City Attorney regarding pending or contemplated litigation; or a settlement offer regarding: the Yarbrough Farms Development.
 2. § 551.071(2): Legal Matters. Consultation with Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Opens Meetings Act regarding: the Yarbrough Farms Development.

The Council reconvened into Regular Session at 8:16pm and Mayor Dane-Patterson announced that no action was to be taken

K. FUTURE AGENDA ITEMS/REQUESTS BY COUNCILMEMBERS TO BE ON NEXT AGENDA

Councilmembers shall not comment upon, deliberate, or discuss any item that is not on the agenda. Councilmembers shall not make routine inquiries about operations or project status on an item that is not posted. Any Councilmember may, however, state an issue and a request that this issue be placed on a future agenda.

Mayor Dane-Patterson asked the Unsafe Building/Substandard Structure Order on 522 Burks Street be placed on the December 14, 2020 agenda.

L. ADJOURN

Mayor Dane-Patterson announced the agenda had been exhausted and adjourned the meeting at 8:17pm.



Shea Dane-Patterson, Mayor

ATTEST:



Lenette Cox, Acting City Secretary